

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
AT BRUNSWICK

JAMES T. TURNER,

\*

Plaintiff,

\*

VS.

\*

JOHN T. JONES and CITY OF  
BAXLEY,

\*

\*

Defendants.

\*

CIVIL ACTION NO.

\*

CV209- 013

COMPLAINT

JURISDICTION

1. Jurisdiction in this case is invoked pursuant to the provisions of 28 U.S.C. § 1343(3). This is an action at law to secure the protection of and the redress of the deprivation of rights secured to the plaintiff by the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States, and by 42 U.S.C. § 1983.

PARTIES

2. The plaintiff, JAMES T. TURNER, is a citizen of the United States and a resident of Appling County, Georgia, which is within the jurisdiction of this Court.

3. The Defendant, JOHN T. JONES is a resident of Appling County, Georgia and is subject to the jurisdiction of this Court.

4. The Defendant CITY OF BAXLEY is a municipal corporation located in Appling County, Georgia, and is subject to the jurisdiction of this Court.

5. The Defendants are "persons" within the meaning of that term, as set forth in 42 U.S.C. § 1983.

6. On June 6, 2007 the Plaintiff was assaulted and battery was committed upon him by the Defendant, JOHN T. JONES.

7. During the incident, the Defendant JOHN T. JONES pulled the Plaintiff's arms behind his back, and placed him in hand cuffs.

8. The Plaintiff sustained injuries from the aforesaid conduct of the Defendant, and he has had to be treated for serious medical problems due to the injuries inflicted upon him, and will require surgery to repair his left shoulder.

9. The wrongful arrest, assault, and battery of the Plaintiff, and the excessive force used against Plaintiff by the Defendant JOHN JONES, was done under color of law and authority, and said wrongful acts were done intentionally, negligently, and with a complete and deliberate indifference to the Plaintiff's rights, and all of said wrongful conduct has caused the Plaintiff to be deprived of his constitutional rights, including but not limited to the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

10. The Defendant is liable to the Plaintiff for actual and punitive damages as a result of the foregoing acts of misconduct.

11. The Defendant CITY OF BAXLEY is liable to the Plaintiff for the conduct of JOHN T. JONES because the said Defendant has a policy which authorizes the use of force without legal cause, or has failed to adopt a policy prohibiting the use of force except under appropriate circumstances. The CITY OF BAXLEY is also liable because the City of Baxley has retained JOHN T. JONES with actual knowledge of his repeated misconduct involving the deprivation of civil rights while acting as a police officer.

PRAYERS FOR RELIEF

WHEREFORE, the Plaintiff prays for the following:

- A. That the Plaintiff be granted a trial by jury as to all contested issues of fact;
- B. That the Plaintiff recover actual damages of not less than \$500,000.00 and punitive damages of not less than \$500,000.00 from each of the Defendants; and
- C. That the Plaintiff recover reasonable attorney's fees and other costs of litigation together with such other relief as to which the Plaintiff may be entitled.

This the 10<sup>th</sup> day of February, 2009.



W. DOUGLAS ADAMS  
ATTORNEY FOR PLAINTIFF

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Brunswick, Georgia 31521-0857  
(912) 265-1966

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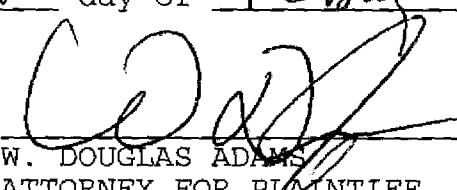
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CERTIFICATE REQUIRED BY SOUTHERN DISTRICT  
OF GEORGIA RULE 3.2

The undersigned counsel of record for Plaintiff certifies that the following is a full and complete list of the parties and other interested persons in this action:

<u>NAME</u>	<u>IDENTIFICATION AND RELATIONSHIP</u>
JAMES T. TURNER	Plaintiff
W. DOUGLAS ADAMS	Attorney for Plaintiff
JOHN T. JONES	Defendant
CITY OF BAXLEY	Defendant

This the 10<sup>th</sup> day of February, 2009.

  
W. DOUGLAS ADAMS  
ATTORNEY FOR PLAINTIFF

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